

**Serial No.:** 08/873,597  
**Filing Date:** June 12, 1997

**REMARKS**

Claims 19-22, 26, 33-35 and 39-45 are pending. Claims 1-8, 23-25, 27-32, and 36-38 have been canceled.

Reconsideration of the claims in light of the following remarks is requested.

Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

**Double Patenting**

U.S. Patent No. 7,014,922

Claims 19-22, 26, 33-35, and 39-45 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,014,992 in view of Okano et al (U.S. Patent No. 5,434,049) ("*Okano*").

As a terminal disclaimer directed to 7,014,992 is enclosed herewith, withdrawal of this rejection is respectfully requested.

U.S. Patent Application No. 09/452,277

Claims 19-22, 26, 33-35, and 39-45 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22, 26-27, 30-35, 37-45 of copending Application No. 09/452,277 ("*277*") in view of *Okano*.

In order to expedite prosecution, and because amendments could still be made in the instant application, as well as the '277 application, Applicants request the rejection to be held in abeyance until allowable subject matter has been found in the instant application, or the '277 application is patented.

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**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and early notification to that effect is respectfully requested. Please direct any calls in connection with this issues to the undersigned at (415) 781-1989.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated:

10/10/06

By:

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